

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Barany et al.

Serial No. : 08/794,851

Cnfrm. No. : 7129

Filed : February 4, 1997

For : DETECTION OF NUCLEIC ACID
SEQUENCE DIFFERENCES USING THE
LIGASE DETECTION REACTION WITH
ADDRESSABLE ARRAYS

)
) Examiner:
) P. Ponnaluri
)

) Art Unit:
) 1627
)

#40
3199S
9402

SUPPLEMENTAL REQUEST FOR RECONSIDERATION

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
Box: AF

Dear Sir:

This is further in response to the August 10, 2001, office action, with respect to which applicants respectfully request reconsideration.


The rejection of claims 1-43, 45-66, 75-80, 82-88, and 138-151 under the judicially-created doctrine of obviousness-type double patenting over claims 1-28 of U.S. Patent No. 6,027,889 to Barany et al. ("889 patent") or over claims 29-54 of U.S. Patent Application Serial No. 09/440,523 to Barany et al. ("523 application") (now U.S. Patent No. 6,268,148) ("148 patent") is respectfully traversed in view of applicants' submission of the accompanying terminal disclaimer. Applicants submit that the terminal disclaimer is a proper vehicle for obviating the obviousness-type double patenting rejection, because the '889 patent, the '148 patent, and the present application are all commonly owned by Cornell Research Foundation, Inc., Regents of the University of Minnesota, and Board of Supervisors of Louisiana State University and Agricultural and Mechanical College. This is demonstrated by the following enclosed materials: (1) documentation filed in conjunction

with the present application, assigning the rights of the Government of the United States of America in the '148 patent to Cornell Research Foundation, Inc. (Exhibit 1); (2) documentation adding George Barany of the University of Minnesota and Robert Hammer of Louisiana State University as inventors for the '889 patent, and the assignment of their rights in that patent to Regents of the University of Minnesota and Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, respectively (Exhibits 2 and 3, respectively); and (3) documentation adding George Barany of the University of Minnesota and Robert Hammer of Louisiana State University as inventors for the '148 patent, and the assignment of their rights in that patent to Regents of the University of Minnesota and Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, respectively (Exhibits 4 and 5, respectively). Since the present application as well as the '889 patent and the '148 patent are commonly owned, the enclosed terminal disclaimer is effective to remove the obviousness-type double patenting rejection based on these patents.

In view of all the foregoing, it is submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: July 1, 2002



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